

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT BENYAMINI,  
Plaintiff,  
v.  
M. BLACKBURN, et al.,  
Defendants.

No. 2:13-cv-0205 MCE AC

ORDER

On April 22, 2013, the undersigned granted plaintiff’s motion to proceed in forma pauperis and ordered plaintiff to supply the United States Marshall, within 15 days, “all information needed by the Marshall to effect service of process,” and to file with the court “a statement. . . that said documents have been submitted to the United States Marshall.” ECF No. 8 at 2. The order further stated that the court anticipated that the U.S. Marshall would require, at a minimum, (1) one completed summons for each defendant; (2) one completed USM-285 form for each defendant; (3) one copy of the endorsed complaint for each defendant, with an extra copy for the U.S. Marshall; (4) one copy of the court’s status order for each defendant; and (5) one copy of the April 22, 2013 order for each defendant. Id. at 3.

Plaintiff has not fully complied with the court’s April 22, 2013 order. Instead, he has filed with the court copies of the summons for each defendant and copies of the USM-285 form for each defendant, as well as incomplete copies of his complaint. He has not filed complete copies

1 of his complaint, nor has he provided copies of the court's status order, or copies of the court's  
2 April 22, 2013 order. He has also not filed with the court a statement that he provided any  
3 materials to the United States Marshall.

4 In addition, plaintiff has filed a motion for permission to file his documents electronically,  
5 alleging that he filed a motion for such permission in November 2012, but that he has not yet  
6 received a response. It is unclear in what action plaintiff filed his November 2012 motion, as the  
7 instant action was not initiated until February 2013. In any event, while plaintiff alleges in  
8 conclusory fashion that he is being prejudiced, he fails to articulate what prejudice he is suffering  
9 because of his inability to file electronically, much less how such permission would alleviate the  
10 prejudice. His motion will accordingly be denied.

11 Accordingly, IT IS HEREBY ORDERED THAT

- 12 1. Plaintiff's May 1, 2013 submission (ECF No. 11) is stricken;
- 13 2. The Clerk of the Court shall re-issue to plaintiff one USM-285 form for each  
14 defendant, one summons, a copy of the complaint, an appropriate form for consent to  
15 trial by a magistrate judge, this court's status order, and the court's April 22, 2013  
16 order;
- 17 3. Plaintiff is given 21 days from the filing date of this order to comply with the  
18 instructions in the court's April 22, 2013 order, failing which the undersigned will  
19 recommend that the action be dismissed without prejudice; and
- 20 4. Plaintiff's motion for permission to file electronically (ECF No. 13) is denied.

21 DATED: July 10, 2013

22  
23 

24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE